

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHASE BENTLEY,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:22-cv-01373-ADA-EPG

ORDER ADOPTING THE PARTIES'  
STIPULATION FOR THE AWARD OF  
ATTORNEY'S FEES UNDER THE EQUAL  
ACCESS TO JUSTICE ACT

(ECF No. 18)

On October 26, 2022, Plaintiff Chase Bentley ("Plaintiff") filed this action seeking review of a final decision of Defendant Commissioner of Social Security. (ECF No. 1.) The Court remanded the matter on April 13, 2023, for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (ECF No. 16.) On April 24, 2023, the parties filed a stipulation that Plaintiff should be awarded attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), in the amount of \$6,249.66. (ECF No. 18 at 1.) The parties further stipulate that Plaintiff is not entitled to any costs under 28 U.S.C. § 1920. (*Id.*)

Accordingly,

1. Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), Plaintiff is awarded attorney's fees in the amount of \$6,249.66;
2. After the issuance of this order, the government shall consider the assignment of the Equal Access to Justice Act attorney's fees to Plaintiff's counsel as follows:

- a. Pursuant to the decision in *Astrue v. Ratliff*, 560 U.S. 586 (2010), any such assignment will depend on whether the attorney's fees are subject to any offset allowed under the United States Department of Treasury's Offset Program;
  - b. Fees shall be made payable to Plaintiff, but if the Department of Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of attorney's fees to be made directly to Plaintiff's counsel, Francesco Benavides;
3. Whether the payment of attorney's fees is made payable to Plaintiff or to his counsel, the check will be mailed to Plaintiff's counsel's mailing address at:

Francesco Benavides  
Law Offices of Francesco Benavides  
1990 N. California Blvd.  
Suite 20  
Walnut Creek, CA 94596

IT IS SO ORDERED.

Dated: April 26, 2023

  
UNITED STATES DISTRICT JUDGE